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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/823,459	04/13/2004	Katsuyuki Ogura	KIN-15462	4592

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EXAMINER

COURSON, TANIA C

ART UNIT	PAPER NUMBER
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2859

DATE MAILED: 01/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/823,459

Applicant(s)

OGURA, KATSUYUKI

Examiner

Tania C. Courson

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 April 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. ____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|----------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>13APR04</u> . | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Claim Objections

1. Claim 4 is objected to because of the following informalities: in line 2, "a guide rail" should read "the guide rail". Appropriate correction is required.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-2 and 4-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Matsuda et al. (US 6,513,253 B2) in view of Broghammer (US 6,041,511) and Tano (US 6,427,355 B1).

Matsuda et al. disclose a coordinate measuring machine including the following:

- a) a base (3), a guide rail (Fig.1) provided on the base and having a guide surface thereon (Fig.1), and a movable body (4) slidably provided on the guide surface of the guide rail (Fig. 1), wherein said guide rail is monolithically formed with said base (Fig. 1);
- b) wherein a flat guide surface is formed on a surface of said base (Fig. 1), and said guide rail is monolithically formed with said base on the guide surface (Fig. 1);

- c) wherein said guide rail has two guide surfaces adjoining each other with a ridge line therebetween (Fig. 1);
- d) wherein one of the two guide surfaces of said guide rail is a horizontal one, and the other is a vertical one (Fig.1);
- e) wherein a pair of guide rails are provided in parallel to each other (Fig. 1), the horizontal guide surfaces of the guide rails are provided on the same plane (Fig. 1), and the vertical guide surfaces of the guide rails are provided at positions opposed to each other (Fig. 1);
- f) wherein a measuring probe (9) and columns (6) supporting the probe are provided on said base (Fig. 1), and said movable body is a table (4) for placing thereon an object to be measured with said measuring probe (Fig. 1);
- g) wherein said measuring machine is a three-dimensional measuring machine (Fig. 1) for carrying out three-dimensional measuring with said base and said movable body (Fig. 1).

Matsuda et al. does not disclose an air bearing device, a coating film for rust prevention is formed on a surface, and wherein said coating film is made of ceramics.

Broghammer teaches a coordinate measuring instrument that consists of an air bearing device (column 1, lines 65-66). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to further modify the coordinate measuring

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machine of Matsuda et al., so as to include an air bearing device, as taught by Broghammer., so as to provide a means for reducing friction during use of the machine.

Tano teaches a measuring device that consists of a coating film (column 3, lines 14-18) for rust prevention is formed on a surface (column 3, lines 14-18) and wherein said coating film is made of ceramics (column 3, lines 14-18). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to further modify the coordinate measuring machine of Matsuda et al., so as to include a coating film, as taught by Tano, so as to improve the performance and reliability of the device (column 1, lines 66-67).

4. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Matsuda et al., Broghammer and Tano, as applied to claims 1-2 and 4-9, as stated above.

Matsuda et al., Broghammer and Tano disclose a coordinate measuring machine as stated above in paragraph 3.

They do not disclose wherein a coating film is formed by means of plasma spray-coating.

Regarding claim 3: Where a product by process claim is rejected over a prior art product that appears to be identical, although produced by a different process, the burden is upon the applicants to come forward with the evidence establishing an unobvious difference between the two. *In re Marosi*, 218 USPQ 289 (Fed. Cir. 1983).

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The prior art cited on PTO-892 and not mentioned above disclose a measuring machine:

Lotze (US 2003/0233760 A1)

Mies (US 2004/0231177 A1)

Matzkovits (US 5,867,916)

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tania C. Courson whose telephone number is (571) 272-2239.

The examiner can normally be reached on Monday-Friday from 8:00AM to 4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Diego Gutierrez, can be reached on (571) 272-2245.

The fax number for this Organization where this application or proceeding is assigned is (703) 872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR

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system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



DIEGO F.F. GUTIERREZ
SUPERVISORY PATENT EXAMINER
GROUP ART UNIT 2859

TCC
January 7, 2005